

Remarks

Currently claims 1-4, 7, 8, and 10-14 are pending. Claim 1 is amended to encompass the elected species CETPi and to include specific details regarding the solid amorphous adsorbate, and details regarding classes of materials as the substrate in the inventive compositions. Support for these amendments are found at page 51, paragraph 1091 in the as-published patent application US2004/0132771. Claims 5, 6 and 9 are cancelled. No new matter is added by this amendment.

The Examiner concludes that the subject matter of the present invention is obvious over WO 00/38722 in view of Gurtler and Mulligan. The applicants respectfully disagree with this conclusion due to the claim amendments as described below.

Claim 1 as amended requires the CETP inhibitor to be adsorbed to a substrate, wherein the substrate has a surface area of at least 20 m<sup>2</sup>/g and the CETP inhibitor is a particular compound. The present invention provides a composition containing both a poorly water-soluble CETP inhibitor and an HMG-CoA reductase inhibitor that provides improved bioavailability of the CETP inhibitor through the use of a solid amorphous adsorbate comprising the CETP inhibitor adsorbed to a substrate.

None of the references cited by the Examiner disclose a solid amorphous adsorbate comprising a CETP inhibitor adsorbed to a substrate with a surface area of at least 20 m<sup>2</sup>/g. The WO 00/38722 reference discloses the combination of a CETPi and an HMG Co A. Gurtler and Mulligan disclose adsorption onto supports or polymers. However, the combination of references does not disclose or suggest every limitation in amended claim 1.

No fee is believed to be due; however, the Commissioner is hereby authorized to charge any extension of time fee, and any other fees that may be required, or credit any overpayment, to Deposit Account No. 16-1445.

Respectfully submitted,

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